



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 5662-99  
7 April 2000

ABHCS [REDACTED] USNFR  
[REDACTED]  
[REDACTED]

Dear Senior Chief [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 1 and 25 February 2000, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion dated 1 February 2000. They were unable to find that your contested evaluation resulted from charges of which you were later acquitted, or that it was in reprisal for your having exercised your right to trial by court-martial. Since they found that your contested evaluation should stand, they found that your retroactive advancement to pay grade E-9 was not warranted. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



5662-99

**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1616  
PERS-311  
1 FEB 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: ABHCS [REDACTED], USNR (RET) [REDACTED]

Ref: (a) BUPERSINST 1616.9A, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of his performance report for the period 1 October 1989 to 30 September 1990.

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record revealed the report in question to be on file. The member signed the report indicating his desire not to submit a statement. Per reference (a), the member has two years from the ending date of the report to submit a statement if desired. PERS-322 did not receive a statement from the member.

b. The member alleges that the report in question was illegally drafted and unjustly placed in his personnel record through undue command influence. The member further states that consideration was not given to the actual "real" evaluation drafted by his immediate reporting senior

c. It is appropriate for the reporting senior to obtain and consider input from the member and member's supervisor in developing a performance report. However, it is the reporting senior's determination as to whether he or she will use all or a portion of that input. In whatever manner the report is developed represents the judgment and appraisal authority of the reporting senior.

Subj: ABHCS [REDACTED] USNR (RET) [REDACTED]

d. The report in question is not considered adverse or declining. The fact that the member perceives the performance report to be career damaging, is not sufficient reason for removal.

e. The marks, comments, and recommendation are at the discretion of the reporting senior. They are not required to be consistent with previous or subsequent reports, and are not routinely open to challenge.

f. We feel that the member's allegations are without merit.

3. We recommend retention of the performance report for the period in question.

4. We recommend that the member's petition be forwarded to the Director, Active Officer Promotions, Appointments, and Enlisted Advancements (PERS-85) for comments concerning the member's implied request for remedial consideration for promotion to E-9.

[REDACTED]

Head, Performance  
Evaluation Branch



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1430  
Ser 85/230  
25 Feb 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL  
RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF  
ABHCS [REDACTED] USNR (RET) [REDACTED]

Ref: (a) BUPERSINST 1430.16D

Encl: (1) BCNR file #05662-99

1. Based on policy and guidelines established in reference (a),  
enclosure (1) is returned recommending disapproval.

2. Based on the opinion provided by PERS-311 to retain the  
performance report of 1 October 1989 to 30 September 1990,  
ABHCS [REDACTED] request for a special selection board must be  
disapproved.

[REDACTED]  
By direction